UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Def 1) Jose Rosario URQUIZA-Cabrera,** **Def 2) Joe Anthony MONTERO** Defendant(s)	Magistrate Case No. '08 MJ 0432
	COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **February 13, 2008,** within the Southern District of California, defendants **Jose Rosario URQUIZA-Cabrera and Joe Anthony MONTERO,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Adrian MAQUEDA-Ramirez, Miguel REYES-De Jesus,** and **Rodrigo ZAMORA-Peralta** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF **FEBRUARY 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

FAS

CONTINUATION OF COMPLAINT:
Jose Rosario URQUIZA-Cabrera
Joe Anthony MONTERO

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Adrian MAQUEDA-Ramirez, Miguel REYES-De Jesus, and Rodrigo ZAMORA-Peralta,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 13, 2008 at approximately 6:00 AM, Border Patrol Agent's J. Bedolla, R. Pasquale, and J. Gutierrez were assigned to conduct Border Patrol duties in an area known as, "Otay Lakes". This area is located approximately five miles north of the United States/Mexico International Boundary and approximately ten miles east of the Otay Mesa, California, Port of Entry. At the above mentioned time, Agents were made aware via Bureau radio, of a seismic intrusion device in the area. Upon arriving at the location, the agents spotted a group of eleven individuals walking towards their location. The Agents then approached the group and identified themselves as Border Patrol Agents. The group immediately began to run in an attempt to avoid apprehension. After a brief chase the group was detained and questioned as to their immigration status. All eleven individuals admitted to being undocumented Mexican Citizens illegally present in the United States without any immigration documents that would allow them to be or remain in the United States legally. All eleven individuals including one later identified as the defendant, **Jose Rosario URQUIZA-Cabrera**, were arrested.

While searching the eleven individuals, URQUIZA's cell phone began to ring. For safety concerns, Agent Bedolla answered the cell phone and communicated with an individual later identified as the defendant **Joe Anthony MONTERO**. MONTERO described his vehicle (green Mazda Sports Utility Vehicle) as the one being utilized the group. Agent Bedolla advised all agents to be on the look-out for this vehicle.

Later that morning, Border Patrol Agents assigned to the Smuggling Interdiction Group (SIG) responded to the request from Border Patrol Agent J. Bedolla to locate the green Madza MPV. SIG Agents encountered and initiated surveillance on a green SUV matching the description put out by Agent Bedolla heading westbound on Olympic Parkway. The SUV then made a right turn into a strip mall and drove towards a Chevron Gas Station. SIG Agents M. Ortiz and L. Gutierrez approached the MPV identifying themselves as Border Patrol Agents.

Agent Ortiz ordered the driver of the SUV to open the window. The driver, Joe Anthony MONTERO did not comply. Agent Ortiz then advised MONTERO to open the door of the SUV and exit the vehicle to which MONTERO complied. Agent Ortiz placed handcuffs on MONTERO. Agent Ortiz conducted a cursory pat down of MONTERO and discovered a cellular phone on his person. Agent Ortiz placed the powered on phone on top of his truck and proceeded to talk to Agent Gutierrez. During this time, Agent Ortiz observed MONTERO appearing to reach into his back pocket. Agent Ortiz immediately grabbed MONTERO's hands to restrain his movement. MONTERO appeared to be clutching something in his right hand. Agent Ortiz then had to pry open his hand and was able to extract a SIM card that MONTERO was trying to destroy. The SIM card came from the phone that Agent Ortiz had previously placed on top of his truck. MONTERO, while handcuffed, somehow grabbed the phone off the truck and removed the cover and battery to gain access to the SIM card. At approximately 7:00 a.m., Agent Ortiz placed MONTERO under arrest and requested him to be transported to the Chula Vista Station for processing.

CONTINUATION OF COMPLAINT:
Jose Rosario URQUIZA-Cabrera
Joe Anthony MONTERO

FAB

Before the apprehension of MONTERO, the group he was to pick up was apprehended by uniformed Agents in the "Otay Lakes" area near Wueste Road. The cell phone found with the foot guide URQUIZA, was found to have some of the same numbers in the recent calls list that matched those of MONTERO's cell phone, including the number to each others cell phone proving they were in direct communication.

DEFENDANTS STATEMENT:

STATEMENT OF PRINCIPAL: Jose Rosario URQUIZA-Cabrera:

On February 13, 2008 at approximately 12:51 P.M., the defendant was advised of his Miranda Rights and indicated that he understood his rights and did not ask for an attorney before providing the Agents with a statement. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

URQUIZA admitted that he has been previously formally removed from the United States and that he was also apprehended for attempting to drive an alien smuggling load vehicle through the U.S. Border Patrol's San Clemente Immigration Checkpoint. URQUIZA claimed that on that occasion he was driving the load vehicle in lieu of payment of smuggling fees.

STATEMENT OF PRINCIPAL: Joe Anthony MONTERO:

Prior to any questioning MONTERO was informed of his Miranda Rights. MONTERO stated that he understood his rights and wanted an attorney present during questioning. At approximately 12:31pm all questioning was terminated.

NOTE: After MONTERO's Post Miranda statement and while being processed, MONTERO made an unsolicited remark to Agent Gutierrez stating that he wanted to just go home. MONTERO was claiming he had information regarding the smuggling organization. MONTERO then made another unsolicited statement stating that the Border Patrol had nothing on him because he had destroyed the SIM card.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Adrian MAQUEDA-Ramirez, Miguel REYES-De Jesus, and Rodrigo ZAMORA-Peralta,** stated that they are citizens and nationals of Mexico without any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay approximately $1,500.00 U.S. dollars to be smuggled into the United States. All the material witnesses stated that foot guides led them across the border into the United States. All the Material Witnesses were able to identify defendant **Jose Rosario URQUIZA-Cabrera** as a foot guide.